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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,213	04/22/2005	Mark T Fahey	26735u	6750

20529 7590 02/22/2007  
NATH & ASSOCIATES  
112 South West Street  
Alexandria, VA 22314

EXAMINER
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LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/532,213

Applicant(s)

FAHEY, MARK T

Examiner

Jinhee J. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2006 and 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The claims are **still** generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For example: A mains

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 11-16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawker et al. (6486407).

Re claim 1, Hawker et al. discloses a wiring assembly comprised of a loom (with 40 for example) with at least one cable having at least two separately insulated electrically conducting cores where the cores are held together (via 30 for example) at least at a beginning portion of the loom, the cable or cables is or are each adapted at one end to be secured to a mains switch board in a building, and the cable or cables is or are each terminated with each core being electrically connected to an appropriate connection within a female socket (49 for example) and where there are a plurality of such female

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outlet sockets for convenient connection thereto by a male plug for each switched outlet or appliance wherein the male plug (see column 3 lines 40-42 according to the numbering in the middle) is engageable with a respective one of the sockets (see figures 1 and 2). Regarding the limitation "which are arranged to be located each at spaced apart locations through a building", note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 2, Hawker et al. discloses a wiring assembly where there are at least one male connector (see column 3 lines 40-42 for example) adapted to electrically interconnect with a one of the female connectors and where there is a further cable connecting this male connector to a unit at its end (see figures 1 and 2). Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 3, Hawker et al. discloses a wiring assembly which is comprised of at least two cables (40 for example) each having at least two separately insulated electrically conducting cores where the said at least two cables are each adapted at one end to be secured to a mains switch board in a building, the said at least two cables are

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joined together at least at a beginning part of the looms, and each of the cables is terminated with a socket (see figures 1 and 2). Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Further, note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Re claim 4, Hawker et al. discloses a wiring assembly further characterized in that there are more than two cables held together at the least at a beginning of the loom (see figures 1 and 2).

Re claim 5, Hawker et al. discloses a wiring assembly further characterized in that the loom at its beginning has ends which are either bared or adapted to be bared so as to be able to be connected into a traditional connector block or other electrical connection (see column 3 lines 17-19 and line 31, connected by wire wrapping or soldering which requires the ends to be bare). Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 6, Hawker et al. discloses a wiring assembly further characterized in that at least one of the cables is a three core cable and it has at least one three-pin sockets connected at its end (see figures 1 and 2).

Re claim 7, Hawker et al. discloses a wiring assembly further characterized in that each of the cables at its end has a length of cable which is free from being tethered to the remaining loom of cables (see figures 1 and 2).

Re claim 8, Hawker et al. discloses a wiring assembly further characterized in that each of these cables may in turn give rise to two more cables stemming therefrom (see figures 1 and 2).

Re claim 11, Hawker et al. discloses a method of wiring connecting at least two of the cores at a beginning of the loom incorporated in the assembly to an electrical junction connector by way of a meter box (inherent, all electricity is provided to a meter box), and then locating the loom so that at least some of the sockets are at spaced apart localities for supply of electrical power through each said one of an outlet female socket. Regarding the limitation of "then locating the sockets in distributed fashion through the building", note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Re claim 12, Hawker et al. discloses a wiring assembly as set forth in claim 1 above. Regarding the limitation "a building ... where this is directed to a mains electrical power wiring assembly", note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

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Re claim 13, Hawker et al. discloses a device further characterised in that each female socket is connected electrically so that each electrical pin is connected to a common core in a main backbone cable (see figures 1 and 2). Regarding the limitation "a building", note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Re claim 14, Hawker et al. discloses a power supply for which the assembly is applicable as an electrical power supply supplying power within the range of approximately 50 Hertz to 60 Hertz frequency and a voltage which will be approximately within a range of from 110 volts to 450 volts (range includes well known capability of cables).

Re claim 15, Hawker et al. discloses a device where there is an integration of a common trunk cable system where there is a cable or cables at a first end which is or are held together either by being held by an insulating sleeve or by being tied together by one or more cable ties (see figures 1 and 2). Regarding the limitation "directed to a building", note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Re claim 16, Hawker et al. discloses a method or wiring including the steps of having a pre-made up loom which has at one end electrically connecting ends adapted

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to be secured to the electrical power connections of the switch board (bus system 30 for example), a common trunk acting as a backbone extending along a length of the loom and having a female socket at each of spaced apart locations from a first end of the trunk, the female socket having electrical connections completed through a cable of the loom to interconnect electrically the respective receiving pins of the socket to the electrical supply of the switch board (see figures 1 and 2). Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 18, Hawker et al. discloses a method further characterised in that a male plug is further inserted so as to make electrical contact with at least one of the female sockets which has a completed electrical cable which has at a further end a completed electrically connected unit (see column 3 lines 40-42 for example).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawker et al. in view of Milan (5292257).

Re claim 9, Hawker et al. substantially discloses an assembly as set forth in claim 1 above. Hawker et al. does not explicitly disclose at least one connector which



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comprises a cable having at one end a plug and at a further end a socket of a type adapted to be fixed into position as an accessible socket for a user of the building. However, Milan teaches of an assembly with at least one connector which comprises a further cable having a plug at one end and at a socket at a further end, the further socket of a type adapted to be fixed into position as an accessible socket for a user of the building (see figures 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the at least one connector which comprises a cable having at one end a plug and at a further end a socket of a type adapted to be fixed into position as an accessible socket for a user of the building of Milan on the assembly of Hawker et al. in order to provide further electrical power connection. Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 10, note that Milan teaches of a wiring assembly further characterized in that such a connector with its socket and its end also includes a switch (30 for example) with the socket, to effect an opening or closing of connection of the cable to pins of the socket (see figure 1).

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hawker et al.

Re claim 17, the device of Hawker et al. discloses the claimed invention except that the spaced apart locations are spaced apart an equal distance one with respect to

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the immediately adjacent socket. It would have been an obvious matter of design choice to have locations spaced apart an equal distance one with respect to the immediately adjacent socket in order to provide same length of cable, since such a modification would have involved a mere change in the dimensions or proportion of a component. A change in dimensions or proportion is generally recognized as being within the level of ordinary skill in the art. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984).

8. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawker et al. in view of Adinamis et al. (5292257).

Re claim 19, Hawker et al. substantially discloses an assembly as set forth in claim 18 above. Hawker et al. does not explicitly disclose that the unit is a further female socket and switch adapted to be securely mounted in or on a part of the building. However, Adinamis et al. teaches of an assembly wherein the unit is a further female socket and switch adapted to be securely mounted in or on a part of the building (see figures 1 and 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the unit that is a further female socket and switch adapted to be securely mounted in or on a part of the building of Adinamis et al. on the assembly of Hawker et al. in order to provide further electrical power connection to an output. Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 20, note that Adinamis teaches of a method further characterised in that the unit is a lighting fixture (see figures 1 and 3 for example).

### ***Response to Arguments***

9. Applicant's arguments filed 6/3/02 have been fully considered but they are not persuasive.

In response to applicant's arguments that the prior arts do not teach "adapted ... to be ... ", note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Also note that the cable of prior art able to be connected to a house or work place is also able to be connected to a switch board of a building. There has to be a structural difference that particularly differentiate from the prior art.

Applicant has mentioned "particular adaptations must be made", examiner suggests, amending the claims to include that structures that make up these "particular adaptations".

Furthermore, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

### ***Conclusion***

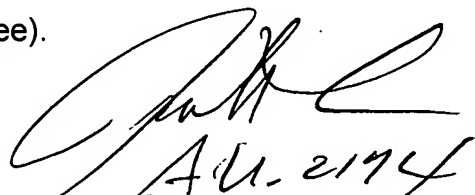
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



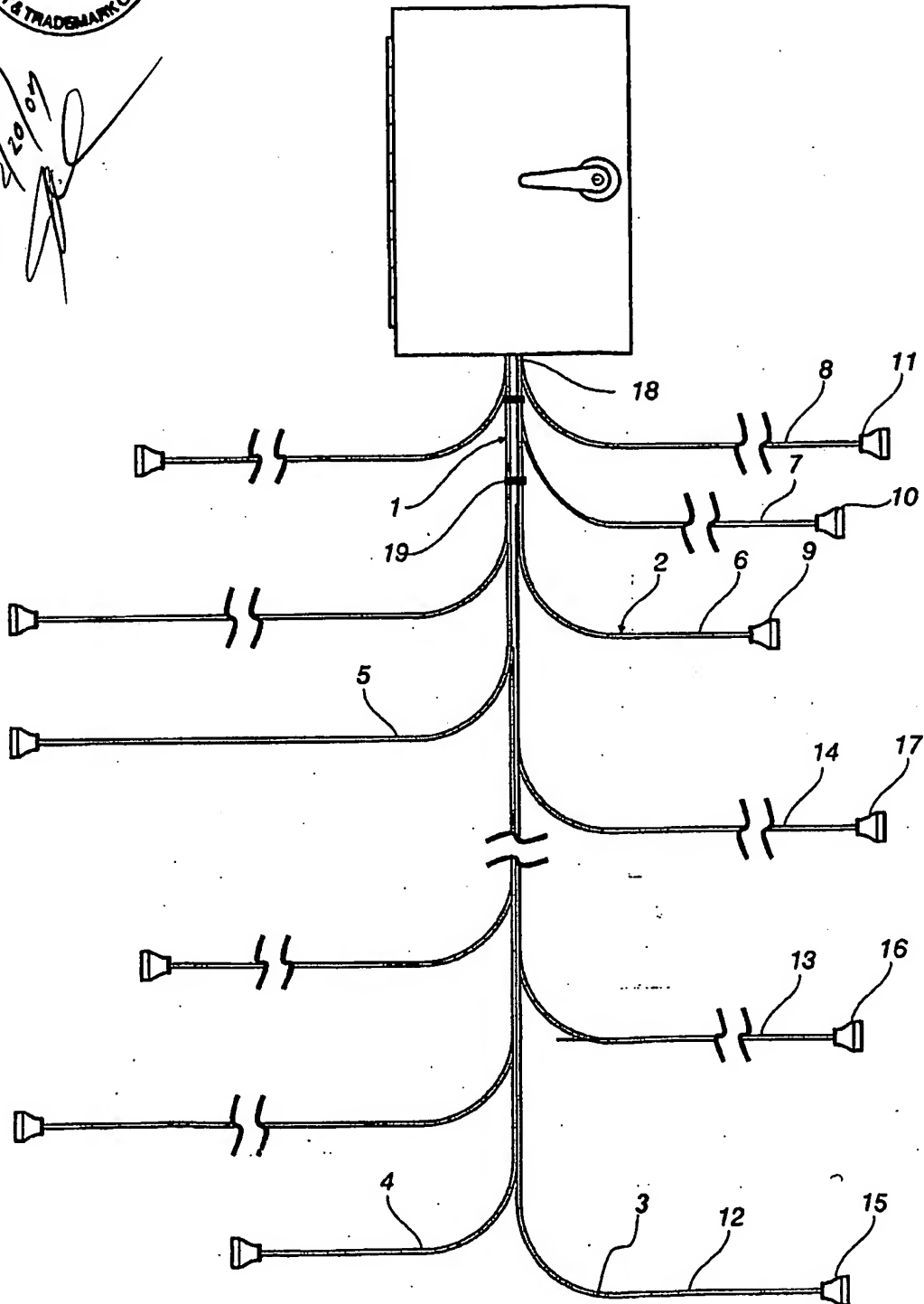
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Replacement Sheet

*Examiner Approved*  
*2/20/07*  
*[Signature]*



**Fig 1**